

Student Online Personal Information Protection Act (SOPIPA) – SB 1177

SUMMARY

Senator Darrell Steinberg's legislation protects California students in the digital age. As California educators and students increasingly use digital technology for school purposes, it is imperative that student private information is protected. This bill requires operators of K-12 online sites, services, and applications to keep student personal information private. Under the bill, online operators can only use student personal information for school purposes; including adaptive and personalized student learning. The bill prohibits operators of K-12 online sites, services, and applications from selling student personal information to third parties, like advertisers. Since these operators hold sensitive information about children, they are also required to keep student information safe by adequately safeguarding data. And, they must delete the student's personal information when it is no longer needed for school purposes.

BACKGROUND

Educators and students across California are utilizing new online services that were developed for K-12 school purposes, including enhancing in-classroom learning and completing administrative tasks.

Many of these services require students to log in and create accounts so that personal information, such as grades, disciplinary history, and chat records can be tracked, collected, stored, and analyzed. In many cases, the only formal arrangement between the parties is the privacy policy, drafted by the online commercial entity. Some of these privacy policies state that

they are "subject to change" at any time. They also state that the online site does not take responsibility for the use of student personal information by the other companies that provide applications the online operator makes accessible on their own site.

Indeed, a secondary market of application or "App" development and educational product advertising has evolved around these online services that hold student personal information. Developers are using student data to design new applications that can be sold on these in-system K-12 online sites or "stores." "Apps" purchased in these "stores" oftentimes have no privacy policy presented during the purchase. This is leaving student personal information vulnerable for a host of uses never contemplated by the students or educators.

Current federal and state privacy laws are deficient in protecting student personal information. It is imperative that online companies that market their online sites to schools and students for K-12 school purposes ensure that the sensitive information they hold regarding California students remains safe.

THIS BILL

Online Sites, Services, And Applications Developed For K-12 School Purposes Must Safeguard Student Personal Information

This bill prohibits K-12 online educational sites, services, and applications from compiling, sharing or disclosing student personal information for any purpose other than the K-12 school purpose. This bill also prohibits those online sites, services, and

applications from facilitating marketing or advertising to K-12 students.

Permits New Technology To Improve Classroom Learning While Protecting Student Personal Information

This bill allows online sites, services, and applications developed for K-12 school purposes to use unidentifiable aggregated data analysis to improve an entity's educational products and provide adaptive and customizable learning.

Online Sites, Services, And Applications Developed For K-12 School Purposes Must Keep Student Data Safe And Cannot Hold Student Personal Information Indefinitely

This bill requires that online sites, services, and applications developed for K-12 school purposes keep student data encrypted and safe at all times. It also requires that these online sites, services, and applications delete student personal information if the site, service, or application is no longer used for K-12 school purposes.

Permits Online Sites, Services, And Applications Developed For K-12 School Purposes To Disclose Student Personal Information Under Certain Circumstances

This bill allows online sites, services, and applications developed for K-12 school purposes to disclose student personal information if federal or state law require the disclosure or for valid law enforcement purposes. It also requires the release of student personal information for legitimate research purposes as required by federal and state law.

SUPPORT

Common Sense Media
California Parent Teacher Association
California Federation of Teachers
SEIU

Privacy Rights Clearinghouse
Klaas Kids Foundation
Los Angeles Times Editorial Board (3/5/14)
Orange County Register Editorial Board (2/28/14)
Sacramento Bee Editorial Board (3/3/14)

FOR MORE INFORMATION

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